

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION**

DARREL KELLEY, Register No. 138321,)
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Plaintiff,)
)
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v.) No. 06-4007-CV-C-NKL
)
)
STATE OF MISSOURI, et al.,)
)
)
Defendants.)

ORDER

On March 15, 2006, the United States Magistrate Judge recommended dismissing plaintiff's claims. The parties were advised they could file written exceptions to the recommendation, pursuant to 28 U.S.C. § 636(b)(1)(C).

The court has conducted a de novo review of the record, including the exceptions filed by plaintiff on April 3, 2006. The issues raised in plaintiff's exceptions were adequately addressed in the report and recommendation. The court is persuaded that the recommendation of the Magistrate Judge is correct and should be adopted. Conditional release dates under Missouri law do not create a liberty interest. Johnson v. Missouri Bd. of Prob. & Parole, 92 S.W.3d 107, 113-14 (Mo. App. 2002). Thus, there can be no denial of due process.

IT IS, THEREFORE, ORDERED that the Magistrate Judge's March 15, 2006 Report and Recommendation is adopted [4]. It is further

ORDERED that plaintiff's claims are dismissed, pursuant to 28 U.S.C. § 1915, for failure to state a claim on which relief can be granted.

/s/

NANETTE K. LAUGHREY
United States District Judge

Dated: June 12, 2006
Jefferson City, Missouri